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ABSTRACT

This document summarizes the rights and responsibilities of students in the University of Kentucky community college system. Part I deals with rules and procedures governing non-academic relationships between students and the University. The discussion is organized into five articles which have been adopted by the University Board of Trustees and may be amended only by that body: (1) the community college judicial system; (2) the rights of students, including admission, financial aid, facility use, privacy, the keeping of records, free expression, and free press; (3) the community college's supervisorial role over student organizations; (4) financial delinquency; (5) interference, coercion, and disruption. Part II deals with rules governing academic relationship, as adopted by the Community College Senate. In this part, the academic rights of students, and possible academic offenses (plagiarism, cheating) are discussed, along with procedures to be followed in the case of an academic offense or a breach of academic rights. Finally, this document discusses honor codes, and the composition of the Community College Appeals Board. (NHM)

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STUDENT RIGHTS AND RESPONSIBILITIES

UNIVERSITY OF KENTUCKY

COMMUNITY COLLEGE SYSTEM

AUGUST 1975

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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STUDENT RIGHTS AND
RESPONSIBILITIES

The non-academic relationships between Community College System students, including Lexington Technical Institute students, and the University are covered in Part I entitled, "Code of Student Conduct: Rules, Procedures, Rights and Responsibilities Governing Non-Academic Relationships," which was adopted by the Board of Trustees on September 19, 1972 and may be amended only by that body.

Academic relationships between Community College System students, including Lexington Technical Institute students, and the University are covered in Part II entitled, "Selected Rules of the University of Kentucky Community College Senate Governing Academic Relationships." Rules in Part II have been adopted and may be amended by the Community College Senate.

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Part I

THE COMMUNITY COLLEGE CODE OF STUDENT CONDUCT:

Rules, Procedures, Rights, and Responsibilities Governing Non-Academic Relationships

Introduction

The University Board of Trustees is empowered by Kentucky Law K.R.S. 164.200 to establish a disciplinary system to govern the University campus. The statute provides:

> "The Board of Trustees may establish proper regulations for the governance of the University and the physical training, military or otherwise, of the students. It may authorize the suspension and dismissal of students for neglect or violation of the regulations, or for other conduct prejudicial to the character and welfare of the University."

By Kentucky Law K.R.S. 164.595, the University Board of Trustees is also empowered to establish disciplinary systems to govern the Community College campuses. The statute provides:

> "The Board has the same powers with respect to the Community Colleges that it has to the University of Kentucky in general."

By this publication of the rules governing student conduct, the Community College System recognizes that students have the right to know the circumstances and manner in which this disciplinary power will be exercised and advises students that disciplinary rules will be enforced.

In order to devise such rules, the Community College System must first assess the general relation of the contemporary community college to its students. Today's student is at the Community College as a member of a community of students seeking to acquire and communicate knowledge, and so long as his conduct in and out of the classroom does not infringe on the rights of other such students, the Community College should not exercise its powers to either condemn or condone. The concern of the Community College is to provide facilities and opportunities for those who seek knowledge.

ARTICLE I -- THE COMMUNITY COLLEGE JUDICIAL SYSTEM

Section

1.1 Authority of the President of the University

Pursuant to the provisions of K.R.S. 164.200 and K.R.S. 164.595, the Board of

Trustees is responsible for student discipline. The Board hereby delegates this responsibility to the President of the University.

1.2 Disciplinary Offenses

Offenses as defined below are punishable disciplinary offenses. As used in the offences specified in subsections a. through q. herein, Community College property is defined as all property owned, or leased to, and operated exclusively by the University of Kentucky and all such property leased to or operated by student and non-student organizations which are under the control and regulation of the Board of Trustees of the University of Kentucky. In addition to the offenses defined below, certain other disciplinary offenses involving conduct which is destructive of academic freedom, the rights of others and the orderly operation of the Community College are set out in Section 5.1 hereof.

a. No student shall engage in interference, coercion or disruption which impedes, impairs or disrupts Community College missions, processes or functions or interferes with the rights of others on Community College property; (Examples of conduct falling within this section are described under Section 5.11)

b. Lifting, taking, or acquiring possession of, without permission, any academic material (tests, information, research papers, notes, books, periodicals, etc.) from a member of the Community College community or any comparable violation of academic security;

c. Stealing any item of tangible or intangible personal property from the Community College or from a member of the Community College community;

d. Abusive, drunken, violent or excessively noisy misbehavior in the classroom or in or on Community College property at any time;

e. Lewd, indecent or obscene behavior upon Community College property;

f. The commission of acts which constitute a violation of local, state or federal law upon Community College property;

g. Unauthorized entry to or use of Community College facilities or any violation of Community College rules regarding the use of Community College property. Where entry to or occupation of premises or facilities was initially authorized, opportunity to comply with a lawful order to leave the premises much be given;

h. Defacing, disfiguring, damaging or destroying public or private property upon Community College property;

i. The threat or commission of physical violence against any person on Community College property;

j. Falsifying, altering or forging any official Community College records or documents, employing official Community College documents or records,

for purposes of misrepresentation, or causing any official Community College documents or records to be falsified by means of any misrepresentation;

k. Knowingly passing a worthless check or money order to the Community College or to a member of the Community College community acting in an official capacity;

l. Use, possession, or distribution on Community College property of narcotic or dangerous drugs, such as marijuana and lysergic acid diethylamide (LSD), except as expressly permitted by law;

m. Any violation of Community College rules regarding the operation and parking of motorized vehicles on Community College property;

n. Hazing of any kind;

o. Failure to comply with directions of Community College officials acting in the performance of their duties;

p. Intentionally giving false testimony or other evidence at any hearing of the Community College Judicial Board or Appeals Board;

q. Violation of conditions imposed in connection with one or more of the punishments enumerated in Section 1.51 through 1.58.

1.3 Community College Policy on the Student and Local Authorities

1.31 The minimum standards of individual conduct required by the penal statutes are both expected and required of every student attending a University of Kentucky Community College. Further, while the institution does not desire to act as a policing authority for the activities of the student off Community College property, and while it cannot serve as a sentencing authority for a student's violations of federal, state, or local law, the Community College may take appropriate action where necessary as provided under Section 1.2(a), 1.2(f), 1.45.

1.32 The Community College will not undertake to act as a collection agency for landlords, retail stores, magazine and book companies, etc., and will not provide student addresses and telephone numbers to such parties.

1.33 The Community College may report violations by students of federal, state or local law to the appropriate officials.

1.34 The Community College cannot accept remand of students charged or convicted of violations of federal, state, or local law for the purpose of imposing disciplinary punishment. However, a Community College representative may accept court appointment of probation of a student to his care and impose such requirements as he sees fit. If such student violates these requirements, he must be returned to court for such further proceedings as the court shall determine, but shall not be subject to Community College disciplinary punishment.

1.35 A student charged with a violation of federal, state, or local law may request assistance from the Director's Office. After receipt of the student's request and a review of the charge(s) and circumstances surrounding the incident, a

member of the Director's staff may be made available to counsel and assist the student.

1.4 The Procedures

1.41 The Role of the Director's Office in Student Disciplinary Matters

1.411 When the Director, after investigation into an alleged violation of the disciplinary rules, believes a student has committed a disciplinary offense defined in Section 1.2, he shall notify the student that he is charged with said offense. Thereafter, he may counsel with the student and may outline proposed disciplinary punishment and/or counseling. The counseling session is strictly confidential and does not begin until the student admits guilt to the charges placed against him. Information obtained from the student during a counseling session is inadmissible in any judicial proceeding of the Community College. Admissions of guilt, voluntarily made after notice of rights prior to such counseling session, is admissible in judicial proceedings if the student withdraws from the counseling process or refuses to comply with the conditions of the counseling process.

1.412 In the preliminary conference, the accused shall enjoy the right to have the assistance of an advisor of his choice and shall be informed of this right.

1.413 If the Director and the student are unable to resolve the matter to their mutual satisfaction in the counseling process, the Director shall forward the reports and evidence concerning the case to the Community College Judicial Board for evaluation and possible prosecution. The Director or his designee is thereafter concerned with keeping the records of the Community College Judicial Board and Appeals Board and in aiding the student to comply with any punishment decreed by either Board.

1.414 Within the rights of the student at a University of Kentucky Community College, the Director may contact the parents, or other persons as he deems appropriate in matters of discipline only if the student is under eighteen years of age or consents.

1.415 All student grievances involving rights stated herein shall be reported to the Director or his designee within 30 days of their occurrence. Grievances reported after this period or which otherwise come to the attention of the Director or his designee may be acted upon according to his determination of the circumstances.

1.416 The Director or his designee shall investigate each student grievance to determine whether it contains merit.

a. If he decides that it does, he shall use moral suasion, negotiation, personal appeal, and the prestige of his office to settle the case to his satisfaction and that of the student.

b. When he is unable to satisfy the grievance to the satisfaction of the student or when he has notified the student that the grievance does not contain merit, the student has the right to appeal within 30 days to the Community College Appeals Board.

1.417 The Director shall have broad investigatory powers in non-academic cases and he shall receive prompt and full cooperation from students, student organizations, faculty and administrators. He may recommend policies or practices

that should be terminated, modified or initiated to Student Government, the Senate Council, division heads, or other appropriate persons.

1.42 The Community College Judicial Board

Each Community College shall have a Judicial Board, hereinafter referred to as the J-Board, with original jurisdiction over cases involving alleged violations by students of the stated Community College disciplinary offenses defined in Section 1.2.

1.421 Authority

The J-Board shall have the sole authority to determine the issue of guilt in those cases referred to it pursuant to Section 1.413. It shall have the sole authority to impose punishment short of actual suspension, dismissal, or expulsion upon any student found guilty of a violation of Community College disciplinary rules defined in Section 1.2. If the J-Board believes that actual suspension, dismissal, or expulsion is the appropriate remedy, it shall recommend such action to the Director.

1.422 Composition

The J-Board shall consist of ten persons, five male and five female. There shall be two co-chairman, one male and one female. In order for any proceedings to be taken against a student for a violation of Community College rules, at least five members of the J-Board must be present to hear the case, with at least two members of each sex represented. However, in the event the accused student so requests prior to his or her hearing, he or she is entitled to a board composed of his or her sex only. Any decision of the J-Board must be by a majority of the members of the board hearing the case.

1.423 Eligibility Requirements

Any full-time student, who has had at least one semester of full-time residence in the Community College and who is a student in good standing may apply to the Student Affairs Committee for appointment to the J-Board. Consideration will be given to academic standing of the applicants.

1.424 The Appointment Process

The Student Affairs Committee shall screen all applicants for membership and forward those who have been approved to the Student Government President, who, with the advice and approval of the Director, shall make the final appointment of the J-Board members.

1.425 Terms of Office

Students selected for membership on the J-Board will serve one year terms or, at the discretion of the Director, a term not exceeding three semesters.

1.426 Absences

Three unexcused absences in any one semester shall constitute automatic dismissal from the J-Board. The J-Board, acting as a unit, may make

such additional regulations regarding absences as it may deem appropriate. All requests for excused absences shall be made to the Director whose decision shall be final.

1.43 The Community College Appeals Board

There shall be a Community College Appeals Board with appellate jurisdiction over all decisions of the Community College Judicial Board and over decisions of any faculty members on matters of Community College academic offenses.

1.431 Jurisdiction in Cases of Disciplinary Offenses

a. Within 30 days after receipt of the decision of the Community College J-Board, any accused student may appeal in writing to the Director for review by the Appeals Board of the J-Board's finding of guilt or for review of the nature or severity of the punishment imposed or recommended by the J-Board. The Director shall forward the appeal to the Chairman of the Appeals Board for appropriate action.

b. If the Director in his official capacity believes that the punishment imposed by the J-Board was inappropriate for the offense committed, he may request a review thereof by the Appeals Board. Such a request shall be directed to the Chairman of the Appeals Board within 30 days of the decision by the J-Board.

1.432 Disposition of Cases of Disciplinary Offenses

a. If the student appeals on the issue of fact regarding commission of the offense, the Appeals Board shall review the evidence, and its decision shall be final.

b. If the student requests a review of the punishment, the Appeals Board shall recommend what it believes to be the appropriate punishment to the Director who shall set the punishment.

c. Any decision and/or recommendation by the Appeals Board must be by a majority of those members sitting on the case.

1.433 Jurisdiction Over Cases Involving Student Rights Specified in Article II

a. The Appeals Board shall hear any case referred to it by the Director or his designee and may grant the written appeal of any student to hear a case not referred to it by the Director or his designee. This written appeal must be submitted within 30 days after the Director or his designee communicates both to the Appeals Board and the student that either he considers the case without merit or is unable to terminate satisfactorily the grievance.

b. Upon receipt of the written appeal, the Chairman of the Appeals Board shall notify the Director or his designee to forward all reports and evidence concerning the case.

c. The Appeals Board may then, by majority vote, agree to hear the student's case or allow the Director's or his designee's decision to be final.

1.434 Disposition of Cases of Student Rights

After hearing a case and deciding that a violation of student rights has been proved, the Appeals Board may select from the following remedies:

a. The Board may request the Director or his designee to admit an applicant denied admission in violation of Section 2.12.

b. The Board may request the Director or his designee to give an applicant a scholarship, or financial aid, when such have been denied or withdrawn in violation of Section 2.13.

c. The Board may request the Director or his designee to make available Community College facilities and services on a fair and equitable basis when a violation of Section 2.14 has been proved.

d. The Board may request the Director to have any papers, property or personal effects, taken from a student's person or premises in violation of Section 2.21, returned to him.

e. The Board may request the Director to direct compliance with Section 2.22, 2.23, or 2.24 when a violation of the rights stated therein has been proved.

f. The Board may request the appropriate Community College official to grant whatever other relief the Board deems proper.

1.435 Composition of the Community College Appeals Board

The Community College Appeals Board shall consist of six members, two full-time students and four faculty members. In addition, there shall be two student alternates and two faculty alternates, who shall be selected on the same basis and with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall, when requested, meet within 48 hours notice from the Chairman.

a. The Student Members

The students must have sophomore standing and must have had one full year residence in the Community College and be in good academic standing; they will be selected by the Director or his authorized representative upon recommendation of the local Student Affairs Committee by such methods and procedures as he shall deem appropriate. Their appointments shall be for one-year terms. A student may not serve concurrently on both the Appeals Board and the J-Board.

b. The Faculty Members

The faculty members shall be appointed to staggered three-year terms by the Director upon the recommendation of the Student Affairs Committee. The Chairman shall be chosen from among the faculty members by like procedure.

c. Other Procedural Rules

A quorum for the conduct of business will be five members, not less than three of whom are faculty members. If the Chairman of the Appeals Board deems it necessary, he may call upon legal counsel in order to assure the proper administration of a case. The Appeals Board shall establish such other procedural rules, not inconsistent with the provisions of this Code, as will effectuate the orderly conduct of its functions.

1.44 Temporary Appointments

If a sufficient number of the members of the Community College Judicial Board or the Appeals Board are not present at any time when either Board has duties to perform, the Director shall make such temporary appointments as are necessary to insure that the required number of members are present. Such temporary appointments need not be preceded by the recommendations otherwise provided herein. However, in no case shall a faculty member be appointed to replace a student member, nor a student member replace a faculty member.

1.45 Temporary Sanctions

In the event that the Director has reasonable cause to believe that a student's presence may result in injury to himself, others, or Community College property, or in the event that he has been charged with a crime so serious as to threaten the welfare of the College community, the Director may impose such temporary sanctions as he considers necessary to protect members of the College community or its property, including exclusion from Community College property. Upon taking such action, the Director shall notify the Community College Appeals Board. The student may appeal the Director's decision to the Community College Appeals Board in writing within 30 days. If requested in the written appeal, the Chairman shall call a meeting of the Board to hear the case within 48 hours, or as soon as practicable thereafter. The Board shall consider the student's academic needs to attend class, use the library, and fulfill his other academic responsibilities in making its recommendation. This Board may recommend to the Vice President of the Community College System changes or extensions of the Director's action. The Vice President of the Community College System then shall determine the sanctions to be imposed. Such temporary sanctions shall be enforced only for such time as the conditions requiring them exist. Accordingly, the circumstances shall be reviewed by the Board whenever there are indications that they have changed and upon an appeal in writing from the student involved.

1.46 Honor Codes

1.461 Where any Community College has established, or shall establish, an Honor Code or comparable system which is governed by the students with approval

by and/or appeal to the faculty of the College, the procedures outlined above shall not govern the following offenses to the extent that they are included as offenses subject to the Honor Code and committed by a student subject to such system:

a. Disciplinary offense number 1.2(b), to the extent that it is committed within the College subject to such system.

b. Disciplinary offenses number 1.2(d) and (e) as it pertains to the classroom.

1.462 Such Codes may include as offenses such other actions as are deemed appropriate but cannot cover the offenses described in this Code except as stated above.

1.463 The punishment meted out to a student governed by such a system shall be as designated thereby except that actual suspension or expulsion shall be imposed only by the Director of the College with the approval of the Vice President for the Community College System.

1.464 The procedures of all such Honor Code systems must conform to the statement of student rights contained in Section 2.3.

1.465 The establishment of such an Honor Code shall include approval by majority vote of the students to be covered and by the faculty involved.

1.5 Punishments

1.51 Warning

The Director or his authorized representative may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary action. (This action is not appealable).

1.52 Reprimand

A written admonition which may include a reasonable requirement for additional labor in keeping with the offense committed.

1.53 Probation

Exclusion from participation in privileges or extracurricular Community College activities as set forth in the notice of probation for a specified period of time. If a student, while on probation, violates any of the terms set forth in the notice of probation or violates the Code of Student Conduct, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of undated suspension, suspension, dismissal, or expulsion.

1.54 Undated Suspension

Exclusion from participation in any and all privileges or extracurricular Community College activities, except for attendance in classes in which

officially enrolled, for a specified period of time. If a student, while on undated suspension, violates any of the terms set forth in the notice of undated suspension, or violates the Code of Student Conduct, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of suspension, dismissal or expulsion.

1.55 Suspension

Forced withdrawal from the Community College for a specified period of time, including exclusion from classes, termination of student status and all related privileges and activities, and exclusion from the campus if set forth in the notice of suspension. If a student, while on suspension, violates any of the terms set forth in the notice of suspension or violates the Code of Student Conduct while on the Community College campus, or in relation to a Community College sponsored activity, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of dismissal or expulsion.

1.56 Dismissal

Exclusion from the Community College campus and termination of student status for an indefinite period. The student may be readmitted to the Community College only with the specified approval of the Director. If a dismissed student violates the Code of Student Conduct while on a Community College campus or in relation to a Community College sponsored activity, or is present on the Community College campus without the written permission of the Director or the Vice President for the Community College System, as determined after the opportunity for a hearing, he shall be subject to further discipline in the form of expulsion.

1.57 Expulsion

Permanent termination of student status.

1.58 Monetary Reimbursement

In cases where personal or public property has been stolen, defaced, disfigured, damaged or destroyed, the disciplinary action shall also include an appropriate monetary reimbursement for compensatory damages.

ARTICLE II -- COMMUNITY COLLEGE RIGHTS OF STUDENTS

Section

2.1 Rights of Admission and Access

2.12 Admission Policy

An applicant for admission to a Community College shall not be discriminated against because of race, color, religion, sex, national origin, age or political beliefs.

2.13 Scholarships, Grants-In-Aid, and Financial Aid

An applicant for, or a recipient of, Community College financial aid, a Community College grant-in-aid, or a Community College scholarship, shall not be discriminated against because of race, color, religion, sex, national origin, age or political beliefs.

2.14 Use of Facilities and Services

The Community College, consistent with University policy, may delineate the purpose for which students may use certain facilities and shall make them available on a fair and equitable basis. However, the Community College may restrict its facilities and services when their use would interfere with normal Community College operations.

2.15 Discrimination in the Community

The Community College will use its influence to secure equal access for all students to public facilities in the local community.

2.2 Right of Privacy

2.21 Person and Property

A student shall be free from searches and seizures of his person and possessions while on Community College property unless said search and seizure is conducted in accordance with state and federal laws. In cases of imminent danger or when there are reasonable grounds upon which to believe it is necessary to conduct a search immediately in order to protect life or property, searches may be conducted in the presence of the Director or another member of his staff acting as his authorized representative.

2.22 Disciplinary Records

A student's disciplinary record shall be kept separate and confidential unless he consents in writing to have it revealed. However, the Director may disclose the student's disciplinary record without his consent if legal compulsion or the safety of people or property is involved, or if the information is required by authorized Community College personnel for official use by the University of Kentucky Community College System. In these circumstances, only the information pertinent to the inquiry may be revealed. The Director may also act without the student's consent to have a statement of expulsion or suspension entered on his academic record for the time that this disciplinary action would prohibit the student from registering. Written notice of this statement shall be sent to the student.

2.23 Counseling Records

A student's counseling record shall be kept separate and confidential

unless he consents in writing to have it revealed. However, counselors at the college may share information if professional consultation is advisable. They may also reveal information to an appropriate authority (the Director or his authorized representative) when there is a clear and imminent danger to life, health, safety, or property. Interpretation of a student's predicted academic achievement based on admission test data may be provided upon request from his instructor, advisor, Director, or the Director's authorized representative.

2.24 Student Health Records

Student medical, surgical, and mental health records are strictly confidential and are not released to anyone without the student's knowledge and signed authorization. If it becomes apparent in the course of treatment that the student is likely to cause injury to himself or others, pertinent information to this extent may be revealed for protection of the student or others.

2.25 Official Student Records

Official student records and information maintained by the Director's Office are treated in a confidential manner. Discipline and judicial records and the information contained therein will not be released except with the written authorization of or upon the request of the student.

General information, such as the student's address, phone number, classification, etc. is released at the discretion of the Director or his authorized representative upon receipt of a specific request for such information.

Requests for more personal information such as date of birth, parents' names and addresses, social security number, etc. will be released on a "show cause" basis only. The Director is responsible for seeing that proper justification has been made.

2.26 Evaluation of Student Character and Ability

A student's character and ability shall be evaluated only by those with a personal knowledge of him. Records containing such evaluations shall indicate when the information was acquired, by whom, and the position of the individual.

2.27 If presented with a subpoena to produce information about specific students and/or student organizations, the recipient shall immediately notify the Director and forward to that office a copy of the subpoena. The Director shall immediately attempt to notify the students or student organizations involved and forward to them a copy of the subpoena by certified mail addressed to their last known address.

2.3 Rights of the Accused

2.31 The student shall be guaranteed the following rights in all proceedings of the Community College Judicial System.

2.311 All students shall be guaranteed a fair hearing in all proceedings of all judicial agencies.

2.312 No student shall be compelled to give testimony which might tend to incriminate him, and his refusal to do so shall not be considered evidence of his guilt.

2.313 The accused student shall be informed in writing of the reasons for his appearance before any judicial agency with sufficient particularity and in sufficient time to insure an opportunity to prepare for the hearing.

2.314 The accused shall be entitled to receive upon request a copy of all rules and procedures governing the judicial agency at least 72 hours prior to his appearance before the agency.

2.315 The accused student shall enjoy the right to hear and question the witnesses against him and to present witnesses in his own favor.

2.316 The accused shall enjoy the right to have the assistance of an advisor of his choice and shall be informed of this right in all processes of the Community College Judicial System.

2.317 Only impartial members of the judicial agency shall sit in judgment of any case.

2.318 The accused shall have access to a permanent verbal or written transcript of every hearing of every judicial agency.

2.319 The accused student shall have the right to either an open or closed hearing. All hearings before any judicial agency shall be closed unless the accused student requests that said hearing be open. If a student desires an open hearing, he must file a written request with the Director at least 24 hours prior to the time set for the hearing.

2.320 Evidence obtained in violation of Section 2.21, as a direct or indirect result of a violation of Section 2.21, in the course of a counseling session, or through other improper means shall not be admissible in any proceeding of the Community College Judicial System.

2.4 Right of Free Expression

A student has the right to freedom of expression, which includes the right to picket or demonstrate for a cause, subject to the following conditions:

a. He must act in an orderly and peaceful manner.

b. He must not in any way interfere with the proper functioning of the Community College.

2.5 Right to a Free Student Press

Student publications must be free to deal openly, fearlessly and responsibly with issues of interest and importance to the academic community. Student publications will avoid such practices as the use of libel, undocumented allegations, obscenity, attacks on personal integrity, deliberate deception of

its readers, unnecessary harrassment and innuendo, and other violations of individual rights. The editors shall have the right to editorial freedom without the prior approval of copy and will be protected against dismissal or suspension except for violations of policies and regulations established by the University of Kentucky Community College System.

ARTICLE III -- THE COMMUNITY COLLEGE AS A SUPERVISOR OF STUDENT ORGANIZATIONS

The supervision of student organizations shall rest with the Director.

Section

3.1 Types of Organizations, Membership, Registration and Advisors

3.11 Types of Organizations

The Community College recognizes the following types of student organizations:

1. Honor, Leadership and Recognition Societies
2. Departmental Organizations and Professional Fraternities
3. Political Organizations
4. Government Organizations
5. Specialty Organizations (religious, athletic, military, etc.)
6. Social Sororities and Fraternities

3.12 Membership

Membership in student organizations shall be limited to students, faculty and staff of the Community College, except Honor, Leadership and Recognition Societies which may include other persons as provided for in their national constitutions.

3.13 Registration

3.131 Any student organization which wishes to use the University of Kentucky Community College name, Community College facilities or property or to solicit thereon must complete the registration form available in the office of the Director.

3.132 Its registration is at the discretion of the Director or his authorized representative and is dependent upon the completion of the required application form and compliance with the rules and additional criteria he may set forth. Such criteria shall be established and published by the Director and made uniform for all similar type organizations. The Director may limit its registration with its concomitant permission to a fixed period of time, the length to be determined at his discretion.

3.133 Student organizations must be registered before they may use Community College facilities or property. The Director shall promulgate regulations governing the use of Community College facilities by registered student organizations. These regulations shall specify the times when facilities and premises are available for use, the manner in which they may be used, and how they may be reserved.

3.14 Advisors

3.141 Each student organization must comply with the following requirements for advisors upon submission of an application for registration:

a. Every honor, leadership or recognition society shall have a faculty advisor elected by the membership.

b. Every departmental organization and professional fraternity shall have a faculty advisor who must be approved by the Director.

c. Every political organization shall have a Community College advisor elected by the membership or, failing that, appointed by the Office of the Director as well as a faculty advisor elected by the membership.

d. Every governmental organization shall have a Community College advisor appointed by the Office of the Director and a faculty advisor elected by the membership.

e. Every specialty organization shall have a sponsor, who must be approved by the Director, and a faculty advisor elected by the membership.

f. Every social fraternity or sorority shall have a Community College advisor, who shall be appointed by the Director, and a faculty advisor elected by the membership.

3.142 The definition and scope of the various advisors required above is as follows:

a. Community College Advisor: a member of the staff of the Director's office or any administrative office under his jurisdiction whose duty shall be to counsel and advise the organization and its officers as to their powers and responsibilities. However, he shall have no authority to prohibit any proposed action by a political organization.

b. Faculty Advisor: a member of the faculty of the Community College connected with or interested in the organization, who shall offer support and advice to the officers in carrying out the purposes of the organization, and shall make himself available to meet with members of the organization at their regular meetings or at a special meeting called for that purpose. He can use this opportunity to breech the wall between faculty and students and discuss matters of interest in a more informal atmosphere.

c. Sponsor: a responsible adult interested in the purposes of the organization who shall give guidance and counsel to the officers in carrying out the purposes of the organization and shall make himself available to meet with the members of the organization at their regular meetings.

3.2 The Offenses

3.21 Hazing

3.22 Interference with activities of the Community College, registered organizations, or of any individuals. Peaceful picketing will be permitted so long as it does not directly inhibit the carrying out of an activity on Community College property. An organization intending to picket shall give the Director twenty-four hours notice as to the time and place.

3.23 Conduct which is disorderly, abusive, drunken, violent, or excessively noisy.

3.24 Discrimination against any person due to race, color, sex or religious affiliation or belief, except when the express and legitimate purposes of the organization require limitation as to sex and religion.

3.25 Knowingly enrolling as an official member or electing, appointing, or retaining as an elected or appointed officer or committee chairman any student on academic probation or under disciplinary sanctions which prohibit him from holding such office.

3.26 Organizing, sponsoring, implementing, or conducting programs or activities which are disorderly, which are violations of law or Community College regulations, or which contain lewd, indecent or obscene conduct or expression.

3.27 Recurrent financial over-obligation and non-payment of debts.

3.28 Any violation of Community College rules or policies which apply to registered student organizations or their use of Community College facilities or property.

3.3 Punishment

3.31 Student organizations are creatures of the Community College and without legal status. Accordingly, no specific procedures for adjudicating the commission of any of the offenses have been established other than that the Director may impose punishment up to and including refusal or cancellation of registration.

3.4 Right of Appeal

Within 30 days of receipt of notice that the Director or his authorized representative has refused or cancelled the registration of an organization, the officers or proponents of such organization shall be given the right to appeal in writing to the Director.

The Director may either grant or reinstate the registration in question or refer the matter to the Community College Appeals Board. The Appeals Board shall forward its recommendation to the Vice President for the Community College System, whose decision shall be final.

ARTICLE IV -- STATEMENT OF FINANCIAL DELINQUENCY

The Community College expects the student to be financially responsible and not be delinquent in his financial obligation to the Community College, or to any Department or Division of it. Such obligations shall not include fines and penalties assessed against the student by other than Community College officers.

Financial obligations that are not met within 10 days after the date due shall be reported in writing to the proper office. Obligations to any Division or Department

of the Community College shall be reported to the Office of the Director.

The Business Office shall notify the student of the financial obligation. If the student does not settle the obligation by the date designated on the notice, he shall, subject to regulations promulgated by the Director be considered delinquent, and that office shall notify the Admissions Officer and/or the Registrar.

After the Admissions Officer and/or the Registrar has been notified that a student is delinquent, he shall not allow the student to register, or to transfer credits, or certify him for graduation, until he has been notified in writing by the Business Office that the obligation has been settled.

If there is a dispute as to whether or not a student is legally liable for a financial obligation asserted by the Community College, and the student challenges such obligation through either timely administrative or legal means, then the sanctions of Article IV with respect to registration shall not apply until final resolution of the dispute.

ARTICLE V -- INTERFERENCE, COERCION AND DISRUPTION

The Community College honors the right of free discussion and expression, peaceful picketing and demonstration, the right to petition and peaceably to assemble. It is equally clear, however, that in a community of learning, interference, coercion or disruption cannot be tolerated.

Students who engage in conduct proscribed by this Article of the Code shall be charged pursuant to this Article only where one or more of the following occurs:

1. Where there is a threat or commission of physical violence, or
2. Where there is a threat of or destruction of Community College property, or
3. Where conduct necessitates the declaration of or takes place during a State of Emergency as provided herein, or
4. Where the Director or his authorized representative gives prior notice that 5.1 is applicable.

Section

5.1 No student shall engage in interference, coercion or disruption with relation to Community College missions, processes, functions, or personnel.

5.11 Section 5.1 is violated when a student, acting alone or in concert with others, impedes or impairs Community College missions, processes or functions, or interferes with the rights of others. The following, while not intended to be exclusive, illustrate the offenses encompassed herein: occupation of any Community College building or property, or part thereof, without authorization by the Community College; blocking the entrance or exit of any Community College building or corridor or room therein; setting fire to, or by any other means, damaging any Community College building or property, or the property of others on Community College premises; any display of, or attempt, or threat to use firearms, explosives or other weapons upon Community College property without Community College authorization; prevention of the convening, continuation or orderly conduct of any Community College class or activity or of any lawful meeting or assembly upon Community College property; blocking normal pedestrian or vehicular traffic on Community College property; and failure to vacate premises when ordered to do so by a Community College official.

5.2 Administrative Authority and Responsibility

When it appears that there is a violation of Section 5.1, the Administration of the Community College is authorized and directed to take one or more of the following actions:

a. Prefer charges under the Community College Code of Student Conduct.

b. Impose interim suspension.

c. Declare a state of emergency.

d. Make application to the courts for injunctive relief.

e. Request the assistance of outside law enforcement agencies available under the laws of the Commonwealth of Kentucky.

f. Take such other actions deemed necessary by the President of the University or by the Vice President for the Community College System to protect lives and property and provide for the orderly operation of the institution.

5.3 Disciplinary Procedures

5.31 The Community College Appeals Board shall exercise original jurisdiction with regard to all cases wherein students are charged with a violation of Section 5.1.

5.32 The decision of the Appeals Board shall be final as to the issue of guilt or innocence and as to questions of law and procedural questions arising under this Code.

5.33 If the Appeals Board, by a majority of the members hearing any particular case, finds that an accused student is guilty of a violation of Section 5.1, it shall fix the punishment therefore, which shall be either suspension, dismissal, or expulsion, and may include monetary reimbursement. The Board may, however, impose the penalty of undated suspension, if it makes a specific finding of substantial mitigating circumstances.

5.34 Within 30 days after receipt of the decision of the Appeals Board, a student found guilty may appeal in writing to the Vice President for the Community College System for a review of the nature or severity of the punishment imposed. In the event of an appeal, the Vice President may decrease the punishment imposed by the Appeals Board.

5.4 Interim Suspension

5.41 Interim suspension is defined as exclusion of a student from the campus, pending a prompt hearing.

5.42 Interim suspension may be imposed only by the President of the University, the Vice President for the Community College System, or the Director when any one of these officials has reasonable cause to believe that a student has committed an offense defined in Section 5.1.

5.43 In no case shall an interim suspension be in effect for a period longer than 7 days.

5.44 The official invoking interim suspension shall cause charges to be preferred and the reports and evidence forwarded to the Chairman of the Appeals Board, who shall docket the case for a prompt hearing.

5.5 State of Emergency.

5.51 The President of the University, or in his absence the Vice President for the Community College System, the Director or other University official specifically designated by the President, may declare that a state of emergency exists on the Community College campus. The declaration of a state of emergency shall be made when, in the judgment of the President or his designee, conditions are such that a clear and present danger exists with regard to the safety of persons or property or when conditions are such as to justify a reasonable belief that disruption is likely to occur.

5.52 In the event of a declaration of a state of emergency, the following procedures may be implemented:

a. No persons, other than students, faculty and staff of the Community College with proper Community College identification, and representatives of duly constituted law enforcement agencies, shall be permitted on the campus without appropriate identification issued by the Office of the Director.

b. The President, the Vice President for the Community College System, the Director or their authorized representatives may impose upon any person such temporary sanctions as are considered necessary to protect members of the Community College community or its property, or to prevent disruption of the Community College.

c. The President, or, in his absence, the Vice President for the Community College System, or the Director may impose such other temporary regulations, including the suspension of all mass meetings, and other gatherings, as may be reasonably necessary to protect the safety and welfare of persons on the campus, prevent damage to property, and provide for the orderly and efficient operation of the Community College.

d. Take any of the actions enumerated in Section 5.2.

5.6 No Amnesty

No person shall have authority to grant amnesty or to make any promises as to prosecution or non-prosecution in any court, state or federal, or before any board to any person charged with or suspected of violating Section 5.1 of this Code.

Part II:

SELECTED RULES OF THE UNIVERSITY OF KENTUCKY COMMUNITY COLLEGE SENATE GOVERNING ACADEMIC RELATIONSHIPS

These selected Rules of the Community College Senate are subject to modification at any time by the Senate. Other rules involving students in academic matters particularly in the advisory area will be found in the Community College System Bulletin and schedule books.

Academic Rights of Students

1. Information About Course Content

A student has the right to be informed in reasonable detail at the first or second class meeting about the nature of the course and to expect the course to correspond generally to its official description.

2. Information About Course Standards

A student has the right to be informed at the first or second class meeting about the standards to be used in evaluating his performance, and to expect that the grading system described in the Community College System and/or local College Bulletin will be followed. Whenever factors such as absences or late papers will be weighted heavily in determining grades, a student shall be so informed at the first or second class meeting.

3. Contrary Opinion

A student has the right to take reasoned exception to the data or views offered in the classroom without being penalized.

4. Academic Evaluation

A student has the right to receive a grade based only upon a fair and just evaluation of his performance in a course as measured by the standards announced by his instructor at the first or second class meeting. Grades determined by anything other than his instructor's good-faith judgment based on such standards are improper. Among irrelevant considerations are race, color, religion, sex, national origin, political affiliation, or activities outside the classroom that are unrelated to the course work.

5. Academic Records

A student has the right to have his academic record kept separate and confidential unless he consents in writing to have it revealed. However, the Director or his designee may disclose the student's academic record without his consent if the information is required by authorized Community College personnel for official use, such as advising students, writing recommendations, or selecting candidates for honorary organizations.

6. Evaluation of Student Character and Ability

A student has the right to have his character and ability evaluated only by individuals with a personal knowledge of him. Records containing information about a student's character and ability shall indicate when the information was provided, by whom and the position of this individual.

ACADEMIC OFFENSES

1. Plagiarism

All academic work, written or otherwise, submitted by a student to his instructor or other academic supervisor, is expected to be the result of his own thought, research, or self-expression. In any case in which a student feels unsure about a question of plagiarism involving his work, he is obliged to consult his instructor on the matter before submitting it.

When a student submits work purporting to be his own, but which in any way borrows ideas, organization, wording or anything else from another source without appropriate acknowledgment of the fact, the student is guilty of plagiarism.

Plagiarism includes reproducing someone else's work, whether it be a published article, chapter of a book, a paper from a friend or some file, or whatever. Plagiarism also includes the practice of employing or allowing another person to alter or revise the work which a student submits as his own, whoever that other person may be. Students may discuss assignments among themselves or with an instructor or tutor, but when the actual work is done, it must be done by the student and the student alone.

When a student's assignment involves research in outside sources or information, he must carefully acknowledge exactly what, where and how he has employed them. If he uses words of someone else, he must put quotation marks around the passage in question and add an appropriate indication of its origin. Making simple changes while leaving the organization, content and phraseology intact is plagiaristic. However, nothing in these rules shall apply to those ideas which are so generally and freely circulated as to be part of the public domain.

2. Cheating

Cheating is defined by its general usage. It includes, but is not limited to, wrongfully giving, taking, or presenting any information or material by a student with the intent of aiding himself or another on any academic work which is considered in any way in the determination of the final grade. Any question of definition shall be referred to the Community College Appeals Board.

3. Punishments for Academic Offenses

Only the following punishments may be given to a student found guilty of commission of a Community College academic offense:

a. Expulsion: permanent forced withdrawal from the Community College.

b. Actual Suspension: forced withdrawal from the Community College for a specified period of time.

c. Undated Suspension: forced withdrawal from the Community College except that the student is permitted to remain on campus provided he follows stated conditions imposed with the punishment.

d. Forced withdrawal from the division in which the offense occurred.

e. Forced withdrawal from the course in which the offense occurred.

f. Any grade for the course in which the offending paper or examination was submitted.

g. Any grade on the paper or examination in which the offense occurred.

PROCEDURES

1. Cases of Academic Offenses

a. Responsibility of Instructor
An instructor who has found a student guilty of cheating or plagiarism may:
(1) assign any grade to the paper or test involved;
(2) assign any grade for the course in which the offending paper or examination was submitted.

In addition, the instructor may:
(1) recommend that the student be dropped from the course in which the offense occurred. Such a recommendation shall be made to the Director of the college, with copies to the Chairman of the instructor's division and the student;
(2) recommend to his division that the student be dropped from a program of the division. If the division concurs, it shall so recommend to the Director and send copies of the recommendation to the student;
(3) recommend actual suspension or expulsion from the Community College to the Director, filing a written statement with the student and the Appeals Board.

b. Responsibility of the Director of the College - The Director of the college shall consider recommendations for dropping the student from the class or division or suspension or expulsion from the Community College and come to a decision, reporting his action to the instructor and the student. If the Director concurs in a recommendation of suspension or expulsion from the Community College, he shall take the necessary action with the approval of the Vice President for the Community College System.

c. Rights of the Student
(1) The student may appeal:
(a) the fact of his guilt;
(b) the severity of his punishment if the punishment is other than the assignment of a grade to the paper or test involved. This appeal must be filed in writing with the Chairman of the division in which the offense occurred within 30 days of the student's notification of his grade if the penalty has been reduction in his grade or within 5 days of notification

of forced withdrawal from the course or division, or of recommendation for actual suspension or expulsion.

(2) The student shall have the right of class attendance and participation during the consideration of any appeal except in cases where outside agencies are used as a part of the student's educational experience. Where outside agencies are used for educational experiences, precedence will be given to the terms of the agreement which have been negotiated between the Community College and the agency.

d. Responsibility of the Division Chairman - The Division Chairman shall attempt to resolve all cases referred to him by student appeal to the satisfaction of the instructor and the student. If he cannot, he shall recommend a review by the Appeals Board of the punishment imposed.

e. Responsibility of the Community College Appeals Board - The student, instructor, Division Chairman, or Director may file a statement with the Board. The Board will then decide by majority vote whether to hear the case or not, except that it must hear all cases in which a student has appealed actual suspension or expulsion.

If the Board hears the case because of some question about the fact of the student's guilt, it shall have the authority to impose a final decision.

If the Board hears the case because of an appeal of the severity of the punishment, it shall recommend an appropriate punishment to the instructor.

When the Board hears a case in which the instructor and the Director have recommended actual suspension or expulsion, it may concur with the instructor and the Director, and recommend to the Vice President for the Community College System for his approval and implementation that the punishment of actual suspension or expulsion be imposed. If the Board does not agree that such punishment should be imposed, it shall return its decision and its recommendation of appropriate punishment to the Division Chairman who shall consult with the faculty member as to the appropriate punishment.

The instructor may refuse to accept a recommendation of the Appeals Board with respect to an appropriate punishment, but if he does so, the Board shall have the authority to give the student a W in the course.

2. Cases of Academic Rights

a. Rights of the Student and Responsibility of the Division Chairman Where a student feels that his academic rights have been violated, he shall report the matter to the Division Chairman within 10 days after the first class day of the next regular semester. The Division Chairman shall attempt to resolve the matter to the satisfaction of the student and the instructor. If the Division Chairman cannot resolve the matter, he should consult with the Director or the Director's designee and report his decision within 10 days. If the Division Chairman determines that the student's case is without merit, the student then has 10 days to appeal to the Community College Appeals Board.

b. Authority of the Community College Appeals Board in Cases of Student Academic Rights - After hearing a case involving a violation of student academic rights as set forth herein, the Board may select from the following remedies:

(1) The Board may direct that a student be informed about the content, grading standards and procedures of a course when a violation of the pertinent rules has been proved.

(2) The Board may direct that a student's grade in a course be changed, but only to a W (withdrew passing) or a P (passing, credit toward graduation but not toward grade point standing) when an academic evaluation based upon anything other then a good-faith judgment of a student has been proved. Under no circumstances shall a student's grade be lowered as a result of his appeal.

(3) The Board may take any other reasonable action calculated to guarantee the rights stated herein.

c. In cases of academic rights, the student shall have the right of class attendance and participation during the consideration of any appeal except in cases where outside agencies are used as a part of the student's educational experience. Where outside agencies are used for educational experiences, precedence will be given to the terms of the agreement which have been negotiated between the Community College and the agency.

Honor Codes

Any Community College may establish, with the approval of the Senate of the Community College System, an Honor Code or comparable system governed by the students with approval by and/or appeal to the faculty of such a college. When such an Honor Code or comparable system has been established, the procedures for disposition of cases of academic offenses described above shall not apply to the extent that the offenses are subject to the Honor Code and committed by a student subject to the Code.

The punishment meted out to a student governed by such a system shall be as designated thereby except that actual suspension or expulsion shall be imposed only by the Director of the College with the approval of the Vice President for the Community College System.

Composition of the Community College Appeals Board

The Community College Appeals Board shall consist of six members; two full-time students and four faculty members. In addition, there shall be two student alternates and two faculty alternates who shall be selected on the same basis and with the same requirements as the regular members. All members of the Appeals Board and/or their alternates shall be expected to meet within 48 hours after notice from the Chairman.

1. The Student Members - The students must have sophomore standing, must have

had one full year residence in the Community College and must be in good academic standing. They will be selected by the Director upon recommendations of the local Student Affairs Committee by such methods and procedures as he shall deem appropriate. Their appointments shall be for one-year terms. A student may not serve concurrently on both the Appeals Board and a J-Board.

2. The Faculty Members - The faculty members shall be appointed to staggered three-year terms by the Director upon the recommendation of the Student Affairs Committee. The Chairman shall be chosen from among the faculty members by like procedure.

3. Other Procedural Rules - A quorum for the conduct of business will be five members, not less than three of whom are faculty members.

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